



Smart Pretrial Release Conditions and Effective Supervision Strategies



Developing Effective Pretrial Release Conditions

- What is the purpose of a pretrial release condition?
 - What are the common release conditions that are set?
 - Who determines what they should be?
 - How should those conditions be determined?
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What do we know about setting pretrial conditions?

- What the evidence says:
 - Use a risk assessment tool(s) to assess the level of risk and/or need
 - Program for each individual, targeting risk reduction strategies for the "person sitting in front of you"
 - Use evidence based conditions that target criminogenic needs as well as risk in moderate and high risk individuals
 - Do not over condition low risk individuals
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Static or Historical Risk

- Age at first arrest
- Current age
- Gender
- Criminal history




Criminogenic Needs

In order of greatest impact on criminal behavior

- 1. Antisocial cognition (thoughts & beliefs)
 - 2. Antisocial personality (coping, self-control skills)
 - 3. Antisocial associates (peers)
 - 4. Family/marital issues
 - 5. Substance Abuse
 - 6. Employment
 - 7. Education
 - 8. Leisure activities
 - 9. Health issues
 - 10. Mental Health
 - 11. Intelligence
 - 12. Self Esteem
 - 13. Personal Distress
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Using Risk Assessment to Guide Condition Development

- Identify the risk level to determine the most effective strategy for risk reduction
 - Least restrictive means to address the risk
 - The low risk individual should not have intense conditions set as it can actually drive failure
 - Extended exposure to higher risk individuals
 - Disruption of positive aspects of life – family, job, etc.
 - Rethink drug testing for marijuana on low risk individuals
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Risk Assessment

- Risk Assessment for moderate and/or higher risk individuals
 - Consider “stacking” risk assessment tools
 - Various reliable tools for specific issues such as DV, Sexual offenders, substance abuse and mental health
 - Many are in the public domain and with some training, can be use effectively by staff
 - LSI-R, Compass, other multigenerational tools are more expensive and need training and certification to administer but are reliable for identifying risks and needs based on the evidence



Programming for the Individual

- Risk assessment, defendant interviews, and quality investigations provide the foundation for effective conditions and supervision
- Programming must address **the risks only in low risk individuals but in moderate or high risk individuals, criminogenic needs must be addressed to be effective in reducing risk.**



Evidence Based Conditions

- › Cognitive behavioral approaches: address criminal thinking and problem solving skills
- › Social Learning Strategies (modeling, reinforcement, and skill acquisition)
- › Family and relational interventions that are responsive to the individual's motivation, cognitive abilities and characteristics
- › Community Based substance abuse treatment
- › Mental Health treatment for Serious Mental Illnesses




What About Other Conditions?


- Employment Requirements
- Educational Requirements
- Program Contact Requirements
- Electronic Monitoring/GPS/SCRAM
- Drug/Alcohol Testing



Motivation and Carrots

- › Supervision: a process of engaging the defendant in maximizing his/her success
 - › What is the evidence?
 - More carrots than sticks works (find the positives)
 - Model pro-social behavior in your interactions
 - Problem solve with defendants on issues which may present as barriers to successful completion of supervision
 - Engage the defendant in developing the plan to address the needs (moderate and high risk)
 - Acknowledge progress and celebrate successes
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Responses to Non-Compliance

- › What does the evidence say?
 - › Swift and certain responses work best
 - › A well developed and written plan for graduated responses dependent on the severity of the behavior is most effective for both staff and defendants
 - › Clear policies as to how and when violations are communicated to the courts is needed to be most effective.
 - › Do not expect that sanctions alone will change behavior, need to be paired with interventions
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Successful Pretrial Supervision

- › In evidence based criminal justice systems, the role of pretrial release supervision is just not just making sure that the person appears for court and avoids arrest but uses the opportunity of supervision to begin the process of assisting the defendant in changing his/her behavior and in reducing the potential of criminal behavior in the future.



NAPSA Mission Statement

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NAPSA Mission



The NAPSA Mission Statement

The National Association of Pretrial Services Agencies, NAPSA, is the national professional association for the pretrial release and pretrial diversion fields.

Incorporated in 1973 in the District of Columbia as a not-for-profit corporation, the goals of the Association are expressed succinctly in Article II of its Articles of Incorporation:

- to serve as a national forum for ideas and issues in the area of pretrial services;
- to promote the establishment of agencies to provide such services;
- to encourage responsibility among its members;
- to promote research and development in the field;
- to establish a mechanism for exchange of information; and
- to increase professional competence through the development of professional standards and education.

NAPSA consists primarily of pretrial practitioners; however, others interested in pretrial issues such as judges, lawyers, researchers, and prosecutors, comprise its five-hundred plus membership from forty-four states, the District of Columbia, and Puerto Rico.

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Full article can be found at www.pretrial.org/Docs/Documents/PromisingPracticeFinal.pdf



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